



Bart L. Graham
Commissioner

State of Georgia
Department of Revenue

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NOTICE

(Notice ATD 2010-3)

**RE: Proposed Rules to the Department of Revenue, Alcoholic Beverages,
Chapter 560-2-3.**

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Chapter 560-2-3 of the Rules and Regulations of the State of Georgia by proposing:

- 560-2-3-.01, entitled "Restriction to Retailer; Storage of Inventory."
- 560-2-3-.02, entitled "Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation."
- 560-2-3-.03, entitled "Place of Sale or Delivery of Goods."
- 560-2-3-.04, entitled "Products Other than Distilled Spirits for Sale, Display, or Offer."
- 560-2-3-.05, entitled "Games of Chance; Cause for Suspension or Revocation of License."
- 560-2-3-.06, entitled "Acceptance of Legal Delivery."
- 560-2-3-.07, entitled "Required Signs - Pregnancy Warning and Sales to Underage Persons."
- 560-2-3-.08, entitled "Retailer Purchase from Licensed Wholesaler; Penalty for Violation."
- 560-2-3-.09, entitled "Consideration of Goods Bought or Sold, Must be in Cash; Exceptions."
- 560-2-3-.10, entitled "Restriction to Retailers and Retail Consumption Dealers."
- 560-2-3-.11, entitled "Keg Registration and Identification."
- 560-2-3-.12, entitled "Retailer License."
- 560-2-3-.13, entitled "Size of Container Purchased."
- 560-2-3-.14, entitled "Consumption on Premises - Retail, Contiguous Operation."
- 560-2-3-.15, entitled "Package Sales by Retail Consumption Dealers; Prohibitions."

- 560-2-3-.16, entitled "Consumption on Premises; Trade Practices."
- 560-2-3-.17, entitled "Outside Delivery of Drinks."

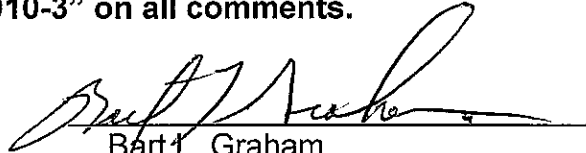
Attached with this notice are exact copies and synopses of the proposed Rules. The proposed Rules are being adopted under the authority of O.C.G.A. §§ 3-2-2, 3-3-7, 3-3-20, 3-3-21, 3-3-24.2, 3-4-26, 3-5-27, 3-5-28, 3-6-25, 3-6-25.1, 3-6-26, 16-12-22, and 48-12-2.

The Department of Revenue shall consider the adoption of the above-referenced proposed Rules at 10:00 a.m., on Monday, March 29, 2010 in Suite 15200 of the Department's headquarters at 1800 Century Blvd. NE, Atlanta, GA 30345-3205.

The Department must receive all comments regarding the above-referenced proposed Rules from interested persons no later than 10:00 a.m. on Monday, March 29, 2010. Written comments must be sent to: Commissioner, Georgia Department of Revenue, 1800 Century Blvd. NE, Suite 15300, Atlanta, GA 30345-3205. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (404) 417-6651.

Please reference "Notice Number ATD 2010-3" on all comments.

Dated: February 22, 2010


Bart L. Graham
Commissioner
Department of Revenue

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.01 Restriction to Retailer; Storage of Inventory – Retailer/Retail Consumption Dealer.

- This Rule provides the guidelines by which a retailer must store their inventory.
- This Rule provides that a retailer must keep distilled spirits on the licensed premises. If that storage room has a door to the outside, that door must only be able to be unlocked from the inside and must only be open while receiving alcoholic beverages from a licensed wholesaler.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.01 Restriction to Retailer; Storage of
Inventory - Retailer/Retail Consumption Dealer.**

(1) No licensed Retailer or Retail Consumption Dealer shall keep any Distilled Spirits stored in any bonded or other Warehouse, nor shall he enter into any agreement whereby Distilled Spirits ordered by him are stored for him by any licensed Wholesaler.

(2) A licensed Retailer or a Retail Consumption Dealer shall keep no inventory or stock of Distilled Spirits at any place except his licensed Place of Business, and within his licensed Place of Business his storage space for Distilled Spirits shall be immediately adjacent to the room in which he is licensed to do business.

(a) Provided that for a Retailer, said storage space has a door leading directly to the outside, said door shall be so equipped that it may only be unlocked and opened from the inside, and shall be opened only while accepting delivery of goods from a licensed Wholesaler.

(b) No other opening leading directly to the outside shall be permitted.

(c) It shall be permissible to store other products, which the Licensee is legally permitted to sell, in the same storage space as described above.

(d) This Section, however, is subject to the provisions of Section 560-2-2-.16 of these regulations which provides for the emergency movement of Distilled Spirits.

Authority O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.02 Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation – Retailer/Retail Consumption Dealer.

- This Rule provides restrictions to the hours that a retailer may operate.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.02 Restriction to Retailer Business Hours; Exception; Restrictions on Other Mercantile Establishments; Manner of Operation - Retailer/Retail Consumption Dealer.

(1) No Retailer of Distilled Spirits shall open its Place of Business or furnish, sell, or offer for sale any Alcoholic Beverage at any of the following times:

(a) At any time on Sundays, Thanksgiving Day, or Christmas Day; or

(b) At any time in violation of a county or municipal ordinance or regulation, or of a special order of the Commissioner; or

(c) At any time prior to 8:00 a.m. or after 11:45 p.m.

(2) No Retailer of Distilled Spirits shall be in, or permit others to be in, its Place of Business at any of the following times:

(a) At any time on Sundays, Thanksgiving Day, or Christmas Day;

(b) At any time in violation of a county or municipal ordinance or regulation, or of a special order of the Commissioner; or

(c) At any time prior to 7:00 a.m. or 30 minutes past the closing time of 11:45 p.m.

(3) Nothing contained in paragraph (2) shall prohibit a Retailer from being in its Place of Business at any time:

(a) For the purpose of responding to emergency situations such as fire or burglary; or

(b) For the purpose of taking inventory, making repairs, renovating, or any other Alcoholic Beverage business purpose which does not involve the presence of Persons other than the Retailer, its agents or employees, when the activities could not reasonably be carried out during regular business hours, provided that the Licensee posts on all door entrances to the Place of Business a sign to read: **"CLOSED, NO CUSTOMERS ALLOWED ON PREMISES."**

(c) This exception does not relieve the Licensee from full compliance with all local laws and regulations or authorize the presence on the Retailer's Place of Business of any Person other than the Retailer, its agents or employees.

(4) Except as provided in Rule 560-2-3-.14, no Retailer shall operate in connection with any other mercantile establishment.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.03 Place of Sale or Delivery of Goods – Retailer/Retail Consumption Dealer.

- This Rule provides that a retailer may not deliver distilled spirits to any person except in the retailer's licensed place of business.
- This Rule provides that "curb-service" type sales are prohibited.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.03 Place of Sale or Delivery of Goods -
Retailer/Retail Consumption Dealer.**

(1) No Retailer shall sell or deliver any Distilled Spirits to any Person except in the Retailer's Place of Business.

(2) It shall be permissible for a Retailer to have a drive-in window and it shall be permissible for the Licensee or any of his employees to deliver Distilled Spirits through that window.

(3) A Retailer is permitted to load purchased goods in a customer's vehicle when the sale has previously taken place and monies have been exchanged inside the Place of Business.

(a) No mechanical devices or contrivances may be used for delivery of, or loading of, merchandise into a customer's vehicle.

(4) "Curb-service" type sales and sales to patrons in vehicles parked in the parking areas of the Places of Business are prohibited.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.04 Products Other than Distilled Spirits for Sale, Display, or Offer – Retailer/Retail Consumption Dealer.

- This Rule provides for what products and services may be sold, displayed or offered by a retailer who sells distilled spirits.
- This Rule provides for grammatical changes.
- This Rule was last amended in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.04 Products Other than Distilled Spirits
for Sale, Display, or Offer - Retailer/Retail
Consumption Dealer.**

(1) No Retailer of Distilled Spirits shall sell, offer for sale, display, or keep in stock for sale or furnish at its licensed Premises where Distilled Spirits are offered for sale, any other products or services except the following:

(a) Wines, if the Retailer holds a valid and current license to sell Wine at that Place of Business;

(b) Malt Beverages, if the Retailer holds a valid and current license to sell Malt Beverages at that Place of Business;

(c) Cigarettes, cigars, chewing tobacco, snuff, if properly licensed to do so, and including such things as cigarette papers, lighters and matches, chewing gum and breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications and over-the-counter birth control devices;

(d) Beverages containing no Alcohol and which are commonly used to dilute Distilled Spirits;

(e) Packaged ice, ice chests, and coozies (individual can and bottle coolers).

1. The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, entitled *Food from Approved Source*, and the packaging is labeled in

accordance with Georgia Department of Agriculture Rule 40-7-1-.26, entitled *Labeling*.

(f) Paper, Styrofoam, or plastic cups; Wine and Distilled Spirits gift bags, which are limited to a size to accommodate one 750 ml size bottle and contain only products approved for sale or display by this regulation;

(g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such Retailer is an authorized retailer of the Georgia Lottery Corporation.

(h) Bar supplies, limited to:

1. Corkscrews, openers, straws, swizzle stirrers, and bar-related containers and wares made of glass, plastic, metal or ceramic materials.

2. Cocktail olives, onions, cherries, lemons, limes and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks.

3. Alcoholic Beverage drink recipe booklets, bar guides, and consumer-oriented Alcoholic Beverage publications.

(i) Products co-packaged with Alcoholic Beverages, provided that the products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of Alcoholic Beverage product;

(j) Check cashing services arising out of the sale of any product lawfully sold under this Regulation.

(k) Money Order sales arising out of check cashing services;

(l) Automated Teller Machine service for customer use; and

(m) Gift Certificates for use only at the issuing licensed Retailer.

(2) Beverages containing no Alcohol and commonly used to dilute Distilled Spirits as provided in subsection (d) of paragraph (1) may be dispensed through the use of vending machines.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.05 Games of Chance; Cause for Suspension or Revocation of License – Retailer/Retail Consumption Dealer.

- This Rule provides that gambling related activities in a licensed place of business shall be cause for suspension or revocation of said license.
- This Rule provides for grammatical corrections.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.05 Games of Chance; Cause for Suspension or
Revocation of License - Retailer/Retail Consumption
Dealer.**

(1) Any scheme or device involving the hazarding of money or any other thing of value in any licensed Place of Business, or in any room adjoining the same owned, leased or controlled by the business, shall be cause for suspension or revocation of his license. Such schemes or devices include but are not limited to:

- (a) Gambling;
- (b) Betting;
- (c) Operating games of chance;
- (d) Punchboards;
- (e) Slot machines;
- (f) Lotteries;
- (g) Tickets of chance.

(2) Nothing shall prohibit the operation of a bingo game, where properly licensed, or operating as an authorized retailer of the Georgia Lottery Corporation.

Authority: O.C.G.A. §§ 3-2-2, 16-12-22.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.06 Acceptance of Legal Delivery – Retailer/Retail Consumption Dealer.

- This Rule provides for how a licensed retailer or retail consumption dealer shall take delivery of alcoholic beverages.
- This Rule provides that a licensed retailer or retail consumption dealer must keep any stock of alcoholic beverages only at his licensed place of business.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
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DEPARTMENT OF REVENUE
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.06 Acceptance of Legal Delivery - Retailer/Retail Consumption Dealer.

(1) A licensed Retailer shall take delivery of Alcoholic Beverages only:

- (a) At his licensed Place of Business; and
- (b) Only from a licensed Wholesaler or a licensed Carrier acting for a licensed Wholesaler.

(2) A delivering Wholesaler assumes entire responsibility of legal delivery to a licensed Retailer.

(3) Licensed Retailers shall not:

- (a) Keep any Alcoholic Beverages stored in any bonded, or other Warehouse; nor
- (b) Enter into any arrangement to store ordered Alcoholic Beverages with any licensed Wholesaler, Manufacturer, Broker, Importer, or Shipper; nor
- (c) Keep any stock of Alcoholic Beverages at any place except its licensed Place of Business.

Authority: O.C.G.A. §§ 3-2-2, 3-5-28, 3-6-26.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.07 Required Signs - Pregnancy Warning and Sales to Underage Persons – Retailer/Retail Consumption Dealer.

- This Rule provides for warnings necessary in regards to the sale of alcoholic beverages to minors and to the dangers associated with consuming alcoholic beverages by pregnant women.
- This Rule was adopted in 1986.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.07 Required Signs - Pregnancy Warning
and Sales to Underage Persons - Retailer/Retail
Consumption Dealer.**

(1) Every Retailer selling Alcoholic Beverages for consumption on the Premises must display a sign warning that consumption of Alcoholic Beverages during pregnancy can cause birth defects.

(a) The Department shall furnish, as a download on the Department's website, the necessary warning sign that must be displayed;

1. Nothing shall prohibit the display of additional similar information.

(b) The warning sign shall be prominently displayed at or near the entrance to where Alcoholic Beverages are consumed and shall be displayed in a readily visible, well lighted place, and safe from being defaced or destroyed.

(c) Should the sign be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website.

(d) Retailers selling Alcoholic Beverages in the unbroken Packages for consumption off the Premises may also display the warning sign.

(2) Every Retailer shall post in a conspicuous place a notice containing provisions of the laws of Georgia regarding the unlawful sale or furnishing of Alcoholic Beverages to Persons under the lawful drinking age.

(a) The Department shall furnish the initial necessary notice that must be displayed;

1. Nothing shall prohibit display of additional similar information.

2. Additional copies may be obtained as a download from the Department's website.

(b) This notice shall be prominently displayed in a readily visible, well lighted place, safe from being defaced or destroyed;

(c) Should the notice be defaced or destroyed, the Licensee shall immediately obtain a replacement from the Department website.

Authority: O.C.G.A. §§ 3-1-5, 3-2-2, 3-3-24-2, 48-12-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.08 Retailer and Retail Consumption Dealer Purchase from Licensed Wholesaler, Penalty for Violation – Retailer/Retail Consumption Dealer.

- This Rule provides that a retailer or retail consumption dealer must purchase alcoholic beverages from a licensed wholesaler.
- This Rule provides for a penalty for violation of this Regulation.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
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DEPARTMENT OF REVENUE
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.08 Retailer Purchase from Licensed Wholesaler;
No Sales below Wholesaler Cost; Penalty for Violation -
Retailer/Retail Consumption Dealer.**

(1) Retailers and Retail Consumption Dealers shall only buy or arrange to buy, or in any way effect the transfer of any Alcoholic Beverages from a licensed Wholesaler.

(2) All sales made by Wholesalers to licensed Retailers shall be bona fide sales transactions from the Wholesaler to the licensed Retailer.

(3) No Retailer shall sell Alcoholic Beverages below wholesale cost price.

(4) Failure to comply with this Rule shall be cause for revocation of the licenses of all licensed Wholesalers and Retailers involved.

Authority: O.C.G.A. §§ 3-2-2, 3-5-26, 3-5-27, 3-6-25.

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**RULES
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.09 Consideration of Goods Bought or Sold Must be in Cash;
Exceptions – Retailer/Retail Consumption Dealer.**

- This Rule provides that consideration for all alcoholic beverages sold by any retailer or retail consumption dealer shall be in cash only and shall be a simultaneous transaction.
- This Rule does not prohibit use of a credit card.
- This Rule provides that purchases by a retailer or retail consumption dealer shall be paid cash at or before delivery.
- This Rule provides that giving or receiving post-dated checks or other evidences of indebtedness shall be a violation of this Regulation.
- This Rule provides for grammatical changes.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.09 Consideration of Goods Bought or Sold,
Must be in Cash; Exceptions - Retailer/Retail
Consumption Dealer.**

(1) The consideration for all Alcoholic Beverages sold by any Retailer or Retail Consumption Dealer shall be cash only, and the delivery and payment shall be a simultaneous transaction within the licensed Place of Business.

(a) No credit of any fashion shall be extended;

(b) The use of post-dated checks is prohibited.

(2) The use of a credit card for the purchase of Alcoholic Beverages from a Retailer or Retail Consumption Dealer Licensee shall not be prohibited, provided that the credit card represents an unqualified obligation to pay without recourse on the part of the Person, institution, or agency issuing such card.

(a) Hotels and motels licensed to sell Alcoholic Beverages shall not be prohibited from billing guests for Alcoholic Beverages, provided that payment is tendered at the time the guest leaves or checks out of the hotel or motel.

(b) The sale of Alcoholic Beverages by bona fide private clubs and lodges where members pay all charges on a monthly basis shall not be prohibited, provided that the receivables from such transactions are promptly placed for collection consistent with sound business practices.

(3) Consideration paid for Alcoholic Beverages when purchased by Retailers or Retail Consumption Dealers shall be cash paid at or before delivery.

(4) Where a Wholesaler makes deliveries to two or more Places of Business of the same Retailer or Retail Consumption Dealer, payment for all such deliveries shall be made by the Retailer or Retail Consumption Dealer in one cash payment at or before the last delivery on such day.

(5) Giving or receiving of post-dated checks, other evidences of indebtedness, or other subterfuges for obtaining or extending credit shall be a violation of this Regulation.

(6) The consideration for all Malt Beverages purchased from a Wholesaler by a Retailer or Retail Consumption Dealer shall be for cash only at or before the time of delivery except that in the event the Retailer or Retail Consumption Dealer owns more than one business and payment is made from a central office, the Wholesaler is permitted to carry an account for a period not to exceed five (5) days after delivery and invoice.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.10 Restriction to Retailers and Retail Consumption Dealers – Retailer/Retail Consumption Dealer.

- This Rule provides restrictions for the transportation of alcoholic beverages by retailers and retail consumption dealers.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was last amended in 2002.

**RULES
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DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.10 Restriction to Retailers and Retail Consumption Dealers - Retailer/Retail Consumption Dealer.

(1) No licensed Retailer or Retail Consumption Dealer shall transport Alcoholic Beverages except by Carrier and then only with the written approval of the Commissioner, except for emergency movement of Alcoholic Beverages as provided in Regulation 560-2-2-.16.

(2) Licensed Retailers and Retail Consumption Dealers shall not provide or arrange for delivery or transportation services related to Alcoholic Beverages.

(a) All sales of Alcoholic Beverages shall be simultaneous transactions within the meaning of Regulation 560-2-3-.09 and shall be complete as of the time that the customer makes payment and accepts the Alcoholic Beverage within the licensed Premises.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

**RULES
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.11 Keg Registration and Identification – Retailer/Retail Consumption Dealer.

- This Rule provides that every licensee who sells kegs containing malt beverage for consumption off premises, must obtain proper identification from the purchaser and record the required information.
- This Rule provides that a licensee is permitted to charge a keg registration fee which is to be refunded upon return of keg so long as the conditions in this Rule are satisfied.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 2001.

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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.11 Keg Registration and Identification -
Retailer/Retail Consumption Dealer.**

(1) Each retail Licensee selling kegs containing Malt Beverages for consumption off licensed Premises shall require each purchaser to present a Georgia driver's license or other proper identification at the time of purchase.

(2) Upon the sale of a keg of Malt Beverage, Licensees shall record the following information on the keg registration label or tag provided by the Department and shall affix the completed label or tag to the keg:

(a) Name and address of the retail Licensee;

(b) Keg identification number; and

(c) State alcohol license number of the business.

(3) The Licensee shall record for each keg sale the following information on an identification form:

(a) Date of sale;

(b) Size of the keg;

(c) Keg identification number;

(d) Amount of container deposit;

(e) Name, address, and date of birth of the purchaser; and

(f) Form of identification presented by the purchaser.

(4) Prior to the culmination of the sale, the purchaser shall read and sign a statement acknowledging and attesting to the following:

(a) Accuracy of the purchaser's name and address;

(b) Location where the keg contents will be consumed;

(c) Knowledge that a violation of Code Section 3-3-23, as it relates to furnishing Alcoholic Beverages to Persons under the age of twenty-one (21) years, may result in civil liability, criminal prosecution, or both; and

(d) Removal or obliteration of the keg registration label or tag is a violation of Code Section 3-5-5 and that this violation may result in criminal prosecution as set forth in Code Section 3-3-9.

(5) Licensees are authorized to charge a keg registration fee due at the time of sale of the keg.

(a) When the keg is returned and satisfies the conditions outlined in paragraph (6) of this Regulation, the keg registration fee shall be refunded to the purchaser.

(6) Upon return of the keg, the Licensee shall record the condition of the label and keg identification number on the identification form.

(a) The Licensee is authorized to retain any keg registration fee if the keg is returned without the label or the keg identification number, or if the information is illegible.

(7) The Licensee shall retain all keg registration information at the Licensee's licensed Premises for a period of six-months from the date of sale.

(a) Keg registration tags and labels issued by the Commissioner are for the use of the Licensee of the licensed Premises at the address as shown on the state license.

(b) Keg registration tags and labels are not transferable from one Licensee to another Licensee, or from one licensed Premise to another licensed Premise.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

**RULES
OF
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ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.12 Retailer License - Retailer/Retail Consumption Dealer.

- This Rule provides the necessary requirements for obtaining a retailer license in this State.
- This Rule provides that the Regulations are cumulative and the requirements set forth in this Rule are not in lieu of any other laws, rules or regulations.
- This Rule provides that a licensee must have a separate license for each place of business.
- This Rule states that no license will be issued if the applicant is to make any payment such as, but not limited to, rent or management fee, based upon the profits of such licensed store.
- This Rule provides for grammatical changes.
- This Rule was amended in 2006.

**RULES
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**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.12 Retailer License - Retailer/Retail Consumption Dealer.

(1) Every applicant for a State license as a Retailer of Distilled Spirits shall comply with the requirements and qualifications set forth in Rule 560-2-2-.02 of these Regulations and this Rule. The requirements and qualifications in this Rule are cumulative and not in lieu of any requirements and qualifications of Rule 560-2-2-.02.

(2) In all cases where the owner of the business is a resident individual, the application shall be made in that name.

(a) Where the owner is a partnership, association, or non-resident of a county or municipality in which the sale of Distilled Spirits is authorized, the application shall be made in the name of a resident officer of a county in which the sale of Distilled Spirits is authorized, partner or associate owning a substantial interest in the business, or in the name of the principal resident managing officer, and the application shall show that the license is for the use of the owner, and the owner shall be named, and both shall be bonded.

(b) In the event the owner is a corporation or fraternal organization the application may be submitted as set forth in Rule 560-2-2-.02 of these Regulations.

(3) A separate Retailer license shall be required for each Place of Business.

(4) The requirement that an applicant's license be for the same location may be waived where the location previously occupied was lost as the result of the judgment of a court of general jurisdiction involving no fault or default of the Person under whom the applicant had occupied the Premises, the condemnation of the property by an authority having the power of eminent domain or the due acquisition of the property of such authority under the threat of condemnation.

(a) The requirement that an applicant's license be for the same location may be waived where the net effect of the proposed change is to reduce the number of package stores attributed to a Person, or in which an applicant and his family holds an interest.

(5) No Retailer of Distilled Spirits shall be approved where the Licensee pays to any Person, firm or corporation, any rent, management fee, or other payment based on the profits or sales of such licensed store.

(a) Every applicant for a retail license for Distilled Spirits shall attach to his application a copy of his lease if the applicant is leasing the building or the land, and in the event the agreed rent payments are other than fixed amounts which are reasonable for the area and consistent with rent paid for similar accommodations by other retail business establishments, the application will be denied.

(6) All leases for a Retailer of Distilled Spirits shall be in writing and for a term not less than the period of such license, and in the event the lease is terminated for any reason, the retail license shall be terminated immediately.

(7) Application for a Retailer liquor license, for a location that has not been licensed in the previous twelve (12) months, shall include a certificate, or scale drawing, of a registered surveyor that the proposed location complies with the Act in regard to distance from an alcohol treatment center, church, school, or a licensed location for retail sale of Distilled Spirits.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.13 Size of Container Purchased – Retailer/Retail Consumption Dealer.

- This Rule provides that a retail consumption dealer may not purchase distilled spirits which exceed 10% alcohol by volume in containers smaller than 750 ml.
- This Rule provides that a retail consumption dealer may not sell unbroken packages for any other reason other than for consumption on the premises.
- This Rule provides for grammatical changes.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1992.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.13 Size of Container Purchased -
Retailer/Retail Consumption Dealer.**

(1) No Retail Consumption Dealer Licensee may purchase Distilled Spirits which exceed ten percent (10%) alcohol by volume in containers smaller than 750 milliliters.

(2) The sale of Distilled Spirits by a Retail Consumption Dealer Licensee in unbroken Packages or in any quantity for other than consumption on the Premises is expressly prohibited.

Authority: O.C.G.A. § 3-2-2.

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.14 Consumption on Premises--Retail, Contiguous Operation -- Retailer/Retail Consumption Dealer.

- This Rule provides the necessary requirements for the contiguous operation of a retail location and a location where alcoholic beverages are consumed on the premises.
- This Rule provides that under certain conditions, a person holding a valid license for the sale of alcoholic beverages for retail and also a license in a contiguous place for consumption on the premises, may have a door connecting two such places.
- This Rule provides that such premises are to remain two distinct places of business.
- This Rule provides that it shall be a violation of this Rule for a licensee to sell items not normally associated with this type of business. Such items include, but are not limited to, guns, knives, weapons of any character, any gambling related items including but not limited to dice, playing-cards etc.
- This Rule provides for grammatical corrections.
- This Rule provides for changes in the Code.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.14 Consumption on Premises - Retail,
Contiguous Operation - Retailer/Retail
Consumption Dealer.**

(1) A Person holding a valid state license for the sale of any Alcoholic Beverages where the products are consumed on the Premises and a valid retail liquor license at locations where the Premises of each Place of Business is contiguous to the other, and each business is treated as completely separate for all purposes, including such things as inventory, purchasing and record maintenance, may have a door between the retail Place of Business and the consumption on Premises Place of Business subject to the following conditions:

- (a) Each Place of Business must hold a proper license;
- (b) Each Place of Business must operate in compliance with all laws and regulations applicable to such business;
- (c) The door between the Places of Business must be closed and locked during days and hours when the operation of either Place of Business is prohibited;
- (d) Each Place of Business must have a separate entrance for the public and no common entrance shall be permitted;
- (e) Each Place of Business shall have a trade name which shall not be the same for both places of business;
- (f) Any storage room for the retail Place of Business shall be in compliance with all rules and regulations pertaining to that retail Place of Business;

(g) A sale may not be consummated or delivery made of package liquor except in the retail Place of Business;

(h) Only the Licensee of each Place of Business or his employees shall be permitted ingress and egress through the passage-way or door separating the two Places of Business, and all such Persons must have a proper Personnel statement on file with the Department at all times;

(i) A separate cash register shall be maintained in each Place of Business and all business transactions shall be kept separate;

(j) The passage-way or door between the two Places of Business shall be located behind the bar or service counter of each Place of Business or otherwise so situated or maintained as to be accessible only to the Licensee or his employees and such passage-way or door shall not be used by customers, patrons, or any other Persons not permitted by this Regulation.

1. Any connecting door or passage-way which is not located behind the bar or service counter of each Place of Business must be specially approved by the Commissioner, and there shall be permanently affixed on or beside that door or passageway a sign in letters at least two inches in height stating, "Employees Only May Use This Door--Revenue Regulation 560-2-3-14".

(2) It is the express intent of this Regulation that if a retail liquor store is operated adjacent to an establishment which sells Alcoholic Beverages for consumption on the Premises as provided in Section (1) of this Regulation, with an inside connecting service door, such retail liquor store shall remain a distinct and separate business entity, and the retail liquor store is hereby declared to be a separate Premise from the establishment which sells Alcoholic Beverages for consumption on the Premises.

(3) It shall be a violation of this Regulation for any Licensee to sell, offer to sell, or keep for the purpose of sale any item not commonly associated with that establishment and those prohibited items shall include but is not limited to guns,

ammunition, knives, weapons of any character, gambling paraphernalia - including playing cards or dice, non-immediately consumable items including groceries or any other items not commonly associated with the consumption of Alcoholic Beverages or establishments licensed for the sale of Alcoholic Beverages for consumption on the Premises.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

SYNOPSIS

RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.15 Package Sales by Retail Consumption Dealers; Prohibitions – Retailer/Retail Consumption Dealer.

- This Rule provides that retail consumption dealers may not sell any alcoholic beverages by the package for carryout purposes, on any day or time or at any location when the sale of alcoholic beverages is prohibited by law.
- This Rule was adopted in 1982.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.15 Package Sales by Retail Consumption Dealers; Prohibitions - Retailer/Retail Consumption Dealer.

(1) A Retail Consumption Dealer shall not sell Distilled Spirits in Packages for carryout purposes at any time.

(2) Retail Consumption Dealers shall not sell beer or Wine by the Package for carryout purposes:

(a) On any day or at any time when the sale of Package beer or Wine for carryout purposes is otherwise prohibited by law; or

(b) At any location which is within distances to grounds or buildings where the sale of Alcoholic Beverages for carryout purposes is otherwise prohibited by law.

(3) Any Retail Consumption Dealer violating the provisions of this Rule shall be subject to the suspension or revocation of licenses to sell Alcoholic Beverages.

(4) Pursuant to Code § 3-6-4, a restaurant that is a Retail Consumption Dealer Licensee may allow a patron to remove a partially consumed bottle of Wine which was:

(a) Purchased, and partially consumed in conjunction with a meal purchased from the Licensee;

(b) Securely resealed with tamper resistant tape by the Licensee; and

(c) Placed in a bag or container that is secured in such a manner that it would be visibly apparent if the container has

been subsequently opened or tampered with, along with an affixed, dated receipt indicating the terms of the purchase.

Authority: O.C.G.A. § 3-2-2, 3-3-7, 3-6-4, 3-3-20, 3-3-21.

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RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.16 Consumption on Premises -Trade Practices— Retailer/Retail Consumption Dealer.

- This Rule provides that persons licensed to sell alcoholic beverages including employees, must sell drinks containing the exact brand or mixture as requested by the buyer, in addition, such licensed persons or their employees may not make any statements which tend to create a misleading impression to the buyer as to the quality of the alcoholic beverages.
- This Rule provides that at the request of the consumer any such licensee or his employee must divulge the quantity and the specific brand of alcohol sold to that consumer.
- This Rule provides that a licensee must only use the distilled spirits as provided to the licensee by a wholesaler, meaning that such licensee may not mix, add, or refill any distilled spirits bottle or container with any substance.
- This Rule provides for changes in the Code.
- This Rule was last amended in 2006.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

560-2-3-.16 Consumption on Premises; Trade Practices - Retailer/Retail Consumption Dealer.

(1) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the Premises or the employees of such Person shall not:

(a) Sell or dispense any drinks not containing the exact brand, brands, or mixtures ordered or requested by the customer or consumer; or

(b) Make any statement which is false or untrue in any fashion or by any means tends to create a misleading impression as to the quality of any Alcoholic Beverage to the customer or consumer.

(2) All Persons licensed to sell or dispense Alcoholic Beverages by the drink for consumption on the Premises or the employees of such Person shall upon request of any customer or consumer:

(a) Divulge to that customer or consumer the quantity of Alcoholic Beverage contained in each drink sold to him or her; and

(b) Shall exhibit to the specific brand or brands of Alcoholic Beverage contained in each drink to that customer.

(3) In the case of Distilled Spirits, no Licensee, in the preparation of mixed drinks for consumption on the Premises, shall dispense one brand of Distilled Spirits from the container of any other brand of Distilled Spirits, or from

any container whatsoever except from that originally purchased from a licensed Wholesaler.

(a) No container may be refilled with any substance, including but not limited to water, under any conditions or for any reason.

(4) No Person shall knowingly, and/or cause any other Person to, possess, sell, ship, transport, or in any way dispose of any Alcoholic Beverages under any other name than the proper name or brand known to the industry as designating the kind and quality of the contents of the package or other containers of that Alcoholic Beverage.

(5) Establishments licensed to dispense Distilled Spirits by the drink shall not through general advertising media, advertise the alcoholic contents or measurements of Distilled Spirits contained in such drinks.

Authority: O.C.G.A. § 3-2-2.

PROPOSED

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RULES OF DEPARTMENT OF REVENUE ALCOHOL AND TOBACCO DIVISION

CHAPTER 560-2-3 RETAILER/RETAIL CONSUMPTION DEALER

560-2-3-.17 Outside Delivery of Drinks – Retailer/Retail Consumption Dealer.

- This Rule provides that a retail consumption dealer shall not sell or permit the sale of alcoholic beverages except within its licensed premises.
- This Rule was last amended in 2007.

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

**CHAPTER 560-2-3
RETAILER/RETAIL CONSUMPTION DEALER**

**560-2-3-.17 Outside Delivery of Drinks -
Retailer/Retail Consumption Dealer.**

(1) A Retail Consumption Dealer shall not sell or permit the sale of Alcoholic Beverages except within the licensed Place of Business under its exclusive custody and control.

(2) For purposes of this Regulation the term "Licensed Premises" shall also include an area that is directly adjacent and contiguous to the licensed Premises provided the area:

(a) Is approved by the Local governing authority;

(b) Has the same address of as the licensed Premises;

(c) Is owned or leased and is exclusively controlled by the Retail Consumption Dealer;

(d) Is not public domain;

(e) Is served from the same bar or serving location that permanently services the leased Premises.

(3) Any area not under the exclusive custody and control of the Retail Consumption Dealer shall not be considered a part of any licensed Premise.

(a) Alcoholic Beverages may not be sold, served, or delivered in, into, or within such an area.

(4) Any area under the exclusive custody and control of the Retail Consumption Dealer that is not directly adjacent and contiguous to the licensed Place of Business shall not be deemed part of the licensed Place of Business and is subject to Regulation 560-2-3-.12.

(5) A Retail Consumption Dealer shall be responsible for:

(a) All sale, delivery, or service of Alcoholic Beverages through any window, door, or other opening in the licensed Place of Business.

(b) Consumption and possession of all Alcoholic Beverages by any Person located on the licensed Place of Business.

Authority: O.C.G.A. § 3-2-2.

PROPOSED